

MEMORANDUM

Agenda Item No. 11(A)(4)

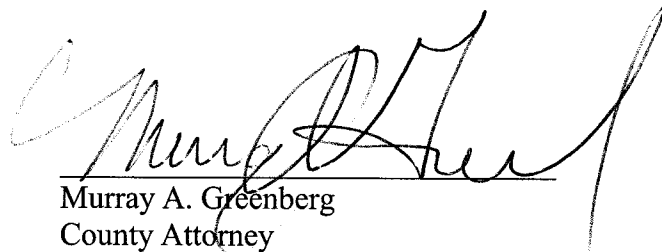
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
Seaport Identification Cards

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle and Commissioner Barbara J. Jordan.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
1-24-06

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION PROVIDING FOR A STATEWIDE
APPEALS PROCESS FOR REVIEWING DENIAL OF
SEAPORT IDENTIFICATION CARDS

WHEREAS, in 1998, Miami-Dade County adopted the first seaport security ordinance in the State of Florida and one of the first such ordinances in the country; and

WHEREAS, the Miami-Dade seaport security ordinance required criminal background checks and denied people who had felony convictions or withheld adjudications identification cards to work at the Dante B. Fascell Port of Miami-Dade; and

WHEREAS, the Miami-Dade seaport security ordinance provided every person denied a seaport identification card with a right to appeal the denial to a panel that would hear that person's particular circumstances and determine whether or not that person was a threat to security at the Port; and

WHEREAS, in 2001, the Florida Legislature passed legislation requiring the Florida Department of Law Enforcement to regulate security at seaports in Florida; and

WHEREAS, in 2003, the Florida Legislature amended its seaport security legislation to preempt local regulation of seaport security; and

WHEREAS, the 2003 state legislation banned the appeals process effective June 4, 2003 that was previously available under the Miami-Dade ordinance, and allowed appeals only in the case of inaccuracies or discrepancies related to a person's criminal history check; and

WHEREAS, a number of people who have worked at the Port of Miami for many years without incident have recently been denied seaport identification cards because of the 2003 state legislation; and

WHEREAS, given the importance of rehabilitation and the seriousness of displacement of individuals from gainful employment, every person denied a seaport identification card who prior to June 4, 2003 worked at the Port of Miami should be entitled to an appeal to determine whether such individual is a threat to Port security, before such individuals are displaced from employment,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation providing for a statewide appeals process for denial of seaport access credentials to those who were employed at the Port of Miami.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chair and members of the Miami- Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2006 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and Commissioner Barbara J. Jordan and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrian D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 24th day of January, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty